

EXHIBIT A

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From: Hall, Veronica Arechederra (Las Vegas)

Sent: Friday, December 11, 2015 3:10 PM

To: 'Mike Pangia'

Cc: Sean W. McDonald (SMcDonald@theurbanlawfirm.com); Anderson, Steven C. (Las Vegas)

Subject: RE: Kinzer v Allegiant

Mr. Pangia,

Thank you for your email concerning the removal of Plaintiff's case to Federal Court. I understand your position and am familiar with *Caterpillar Inc.* Further, I understand that while the requirements of diversity under Section 1332 are satisfied, removal under Section 1441(b) would be improper. I disagree, however, with your assessment of federal question jurisdiction and the well pleaded complaint rule.

While federal question jurisdiction generally extends to federal questions as they appear on the face of a well-pleaded complaint, there are notable exceptions. Federal jurisdiction will not be defeated when the complaint is artfully pleaded to avoid a specific federal claim. In addition, removal is proper when state law has been completely preempted by an area of federal law. Finally, the federal court will have jurisdiction, and removal is proper, when federal law creates the cause of action or where the plaintiff's right to relief necessarily depends on resolution of a substantial question of federal law. All three bases support federal question jurisdiction and justify Allegiant's Petition for Removal.

Plaintiff's Complaint goes far beyond mere references to the FAA and related Regulations. Indeed, federal law permeates the Complaint and poses several substantial questions of federal law that must be resolved for Plaintiff's claims to succeed. For example, the duty of care referenced numerous times in the Complaint is a federal duty of care imposed by the Regulations promulgated under the FAA. Plaintiff, by alleging he complied with the federal standard while Allegiant did not, has placed the resolution of federal law squarely before the Court. Further, Plaintiff alleges on several occasions that he was retaliated against for abiding by the federal

Dear Ms. Hall and Mr. Anderson:

We, along with the Urban Law firm, are representing the plaintiff, Jason Kinzer, and are reaching out to you concerning the recent Notice of Removal to the Federal Court. We see no legal basis for this removal and no case law that would support it in any way. Although Federal Aviation Regulations may be referenced in the cause of action, this is obviously a state cause of action and not one existing by reason of federal law. Under the well-pleaded complaint rule Federal District Courts do not have original jurisdiction unless the federal issue appears on the face of the complaint. *Caterpillar Inc v Williams* 482 U.S. 386,392 (1987). This action is not removable under diversity jurisdiction since Allegiant is a citizen of the State of Nevada. See: 28 U.S.C. § 1441(b). In order not to waste time and expense of both parties as well as the Court, we invite you to join us in a motion for remand.

Should you wish to discuss this further or if you believe we have misinterpreted the law, please feel free to give a call at 202 955 6450. Mike Pangia

EXHIBIT B

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No.	Date	Firm	Timekeeper	Time	Cost	Description	Block Billing?	Duplication?	Intra-Attorney Communication?
1	12/7/2015	Urban	SWM	0.30	\$ 67.50	Read notice of removal to federal court. Email to Mike Pangia re same.	Yes	Yes, <u>see</u> 2	Yes
2	12/7/2015	Urban	MAU	0.40	\$ 120.00	Review notice of removal pleadings to Federal Court; Conference with SWM	Yes	Yes, <u>see</u> 1	Yes
3	12/7/2015	Pangia	ACD	5.00	\$ 1,125.00	Research on motions to remand, federal jurisdiction and ADA	Yes	Yes, <u>see</u> 10	
4	12/8/2015	Urban	SWM	0.10	\$ 22.50	Email from Mike Pangia re Notice of removal and damages expert.	No	No	Yes
5	12/8/2015	Urban	MAU	0.30	\$ 90.00	Conference with SWM re response to removal by Allegiant; Review email from co-counsel to opposing counsel	Yes	No	Yes
6	12/8/2015	Urban	SWM	0.10	\$ 22.50	Email from MAU re motion to remand; reply.	Yes	No	Yes
7	12/8/2015	Urban	SWM	0.10	\$ 22.50	Telephone call from Mike Pangia re Motion for remand and fee agreement	No	No	Yes
8	12/8/2015	Pangia	ACD	3.00	\$ 675.00	Draft of motion for remand	No	Yes, <u>see</u> 12, 13, 14, 17	No
9	12/9/2015	Urban	SWM	0.10	\$ 22.50	Email from Mike Pangia re motion for remand; reply.	Yes	No	Yes
10	12/9/2015	Pangia	MJP	1.50	\$ 600.00	Review of cases dealing with removal and remand and draft an outline for remand motion	Yes	Yes, <u>see</u> 3	No
11	12/10/2015	Urban	SWM	0.20	\$ 45.00	Emails from Mike Pangia and Doug Desjardins re motion to remand	Yes	No	Yes
12	12/10/2015	Pangia	MJP	0.50	\$ 200.00	Review and revisions of motion to remand	Yes	Yes, <u>see</u> 8, 13, 14, 17	No
13	12/10/2015	Pangia	ACD	2.50	\$ 562.50	Draft of final motion after review and corrections	No	Yes, <u>see</u> 8, 12, 14, 17	No
14	12/11/2015	Urban	SWM	3.10	\$ 697.50	Read and edit motion to remand; read caselaw cited in motion to remand	Yes	Yes, <u>see</u> 8, 12, 13, 17	
15	12/11/2015	Urban	SWM	0.10	\$ 22.50	Email to Mike Pangia et al. re motion to remand	No	No	Yes

No.	Date	Firm	Timekeeper	Time	Cost	Description	Block Billing?	Duplication?	Intra-Attorney Communication?
16	12/11/2015	Urban	SWM	0.10	\$ 22.50	Email from Steven Anderson re stipulation on answer deadline; review stipulation; reply to Steven Anderson re same.	Yes	No	No
17	12/11/2015	Urban	SWM	0.70	\$ 157.50	Further edits to motion to remand.	No	Yes, <u>see</u> 8, 12, 13, 14	
18	12/11/2015	Urban	SWM	0.10	\$ 22.50	Conference with MAU re motion to remand	No	No	Yes
19	12/11/2015	Urban	SWM	0.10	\$ 22.50	Email to Steven Anderson re stipulation on answer deadline. Email to Mike Pangia re same.	Yes	No	Yes
20	12/11/2015	Urban	SWM	0.20	\$ 45.00	Email to Veronica Arechedarra Hall re basis of removal to federal court; email to MAU re same.	Yes	No	Yes
21	12/11/2015	Urban	MAU	0.30	\$ 90.00	Telephone call from opposing counsel re Answer to complaint and extension for Motion for removal; Memo to SWM	Yes	No	Yes
22	12/11/2015	Urban	SWM	1.30	\$ 292.50	Cite-check motion to remand	No	Yes, <u>see</u> 14	No
23	12/14/2015	Urban	KTO	0.20		Draft, finalize and file Certificate of Interested Parties with USDC online via ECF	No	Yes, <u>see</u> 24	No
24	12/14/2015	Urban	SWM	0.10	\$ 22.50	Review and sign certificate of interested parties.	No	Yes, <u>see</u> 23	No
25	12/14/2015	Urban	MAU	0.20	\$ 60.00	Review motion for remand and email from opposing counsel.	Yes	Yes, <u>see</u> 12, 13, 14, 17	
26	12/17/2015	Urban	KTO	0.10	\$ 0.10	Conference with SWM re status of pro hac applications.	No	No	Yes
27	12/17/2015	Urban	SWM	0.10	\$ 22.50	Email from KTO re follow up on pro hac vice application for Mike Pangia.	No	No	Yes
28	12/18/2015	Urban	SWM	0.10	\$ 22.50	Email from Doug Desjardins re motion to remand to state court and applicant's motion to dismiss.	No	No	Yes
29	1/4/2016	Urban	SWM	0.30	\$ 67.50	Telephone call from Mike Pangia re reply to response to motion to remand and response to motion to dismiss	No	No	Yes

No.	Date	Firm	Timekeeper	Time	Cost	Description	Block Billing?	Duplication?	Intra-Attorney Communication?
30	1/4/2016	Urban	MAU	0.50	\$ 150.00	Review opposition to Motion for Remand; Conference with SWM	Yes	Yes, <u>see</u> 32, 33, 36	Yes
31	1/6/2016	Urban	SWM	0.30	\$ 67.50	Email from Steve Anderson re joint status report on removed case. Review joint status report. Reply to Steve Anderson.	Yes	No	No
32	1/6/2016	Pangia	MJP	0.50	\$ 200.00	Review of defendants' 22-page opposition and discussion with associate for draft of reply.	Yes	Yes, <u>see</u> 30, 33, 36	Yes
33	1/7/2016	Urban	SWM	2.50	\$ 562.50	Read and analyze Defendants' response to motion to remand.	No	Yes, <u>see</u> 30, 32, 33	Yes
34	1/7/2016	Urban	SWM	3.40	\$ 765.00	Read caselaw cited in response to motion to remand.	No	Yes, <u>see</u> 36	No
35	1/7/2016	Pangia	MJP	0.30	\$ 120.00	Review of draft of reply to defendants' response to plaintiff's motion for remand	No	Yes, <u>see</u> 40	No
36	1/7/2016	Pangia	ACD	3.50	\$ 787.50	Review of defendants' 22-page opposition and research of cases	Yes	Yes, <u>see</u> 30, 32, 33, 34	No
37	1/8/2016	Urban	SWM	0.10	\$ 22.50	Email from Doug Desjardins re reply to response to remand motion	No	No	Yes
38	1/8/2016	Pangia	ACD	2.50	\$ 562.50	Draft of reply and filing	Yes	No	No
39	1/11/2016	Urban	SWM	0.10	\$ 22.50	Email to Mike Pangia et al. re reply to response to motion to remand.	No	No	Yes
40	1/11/2016	Urban	MAU	0.20	\$ 60.00	Review reply on motion to remand; Conference with SWM.	Yes	Yes, <u>see</u> 35	Yes
41	1/13/2016	Urban	KTO	0.20	\$ 20.00	Review Mike Pangia's Federal Court Pro Hac Vice Application; Conference with Mau and SWM re missing information needed from Mike Pangia, co-counsel, to complete application.	Yes	Yes, <u>see</u> 42	Yes
42	2/18/2016	Pangia	MJP	1.50	\$ 600.00	Preparation for application for admission pro hac vice and procurement of notary on 2/19/2016	Yes	Yes, <u>see</u> 41	No
43	4/5/2016	Pangia	JLA	1.50	\$ 600.00	Preparation for application for admission pro hac vice	No	No	No

No.	Date	Firm	Timekeeper	Time	Cost	Description	Block Billing?	Duplication?	Intra-Attorney Communication?
44	06/13-15/2016	Pangia	MJP	4.50	\$ 1,800.00	Preparation and filing of brief and declaration for fees relating to removal and remand	Yes	No	No
			Total	42.80	\$ 11,482.60				